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Southern District of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: : DECLARATION OF
: MARY ELLEN BRENNAN
LETTER ROGATORY FOR :
INTERNATIONAL JUDICIAL : M 93
ASSISTANCE FROM THE LJUBLJANA :
DISTRICT COURT LJUBLJANA, : 23-mc-108
SLOVENIA, IN THE MATTER OF :
MATJAŽ HIRŠMAN v. TANJA KRAINER:
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I, Mary Ellen Brennan, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the Southern District of New York, counsel for the United States of America (the “Government”). I make this declaration upon information and belief based upon the attached exhibits and communications with personnel in the United States Department of Justice, to which a letter rogatory has been transmitted for execution. I make this declaration in support of the Government’s request, pursuant to 28 U.S.C. § 1782(a),¹ for an order appointing me as a Commissioner for the purpose of obtaining information from Community Federal Savings Bank.

¹ Section 1782(a) provides, in pertinent part, as follows:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made

2. In connection with a proceeding captioned *Matjaž Hiršman v. Tanja Krainer*, and pending in the Ljubljana District Court, Ljubljana, Slovenia (the “Slovenia Court”), the Slovenia Court issued a letter rogatory seeking information from Community Federal Savings Bank. A true and correct copy of the letter rogatory is attached hereto as Exhibit A. The information redacted in Exhibit A will not be redacted from the version of the letter rogatory that will be served on Community Federal Savings Bank.

3. An undated draft of a subpoena addressed to Community Federal Savings Bank., Legal Department, 5 Penn Plaza, 14th Floor New York, New York 10001, which the Government intends to serve upon my appointment as Commissioner, is attached hereto as Exhibit B.

4. To assist the Slovenia Court in obtaining the requested information, I respectfully request that this Court appoint me as Commissioner as proposed in the *ex parte* order attached hereto as Exhibit C. No previous application for the relief sought herein has been made.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

WHEREFORE, the United States respectfully requests that this Court enter the attached Order.

Dated: New York, New York
April 17, 2023

/s/ Mary Ellen Brennan
MARY ELLEN BRENNAN
Assistant United States Attorney

pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced before a person appointed by the court. By virtue of this appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole or in part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure.